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Redevelopment Board Minutes 12/22/2008

Arlington Redevelopment Board
 Minutes of December 22, 2008

Members Present: Andrew West, Chair
 Christopher Loret, Vice Chair
 Ed Tsai
 Roland Chaput
 Bruce Fitzsimmons

Also Present: Kevin J. O'Brien
 Laura Wiener

Andrew West called the meeting to order at 7:05 and announced the continuance of the public hearing on the application for a special permit to build a CVS drug store at 821 to 837 Massachusetts Avenue. Atty. Mary Winstanley O'Connor introduced the members of the applicant team. To begin Chris Emelius from GEOD Consulting reported that he had done the traffic study and explained the process. The Board then asked Sam Offei Addo of the BSC Group who had done a peer review of the study for the Board to give his findings. Mr. Offei Addo explained that there was not enough consideration given to pedestrian traffic and specifically to pedestrian safety. Chris Emelius explained that he didn't think the store would generate more pedestrian traffic and indicated that they did not count pedestrians at the time of school dismissal. Sam Offei Addo made the point that the Board thinks there will be more pedestrian traffic such as from the residence properties across Mass Ave. and wants to make sure that the development will be safe for this pedestrian traffic. The two consultants talked more about how specifically to account for pedestrian safety.

Jeff Maxtutis of the Town's Transportation Advisory Committee said that the Committee was concerned that the impact study did not adequately address how pedestrians could safely cross Mass. Ave.

Jim Doherty spoke about the various pedestrian crossings and the possibility of adding a signal at Bartlett St. but that it may seem over-signaled. Carol Kowalski added that they shouldn't overlook the high school students who will be passing by CVS and crossing the driveways.

Sam Offei Addo reviewed more parts of his report including the desire to see the projection of future traffic to extend five years instead of two. Chris Emelius said that the project didn't meet the standard that would require a five year projection. Sam Offei Addo and Jeff Maxtutis both said that the Town typically asks for a five year projection. Andrew West asked what it would take to add three years to the projection. Chris Emelius said they would simply add three more years of background growth rate and new projects. Kevin O'Brien asked what new projects they considered. Chris Emelius said they added the Symmes project and the new store at 1405 Mass. Ave. Kevin O'Brien asked about the Brigham's project that would likely be decided soon. Chris Emelius said he didn't know what it would be and therefore couldn't add it and that when it was proposed the applicant would come before the Board and mitigate their traffic.

Chris Loret asked how accurate the trip generation numbers are. Sam Offei Addo offered that they are representative of typical experience. Chris Loret continued that he made a count of cars at the East Arlington Walgreens and came up with a number double the size of the numbers reported in the study and that he found a study of CVS traffic in Minneapolis for a store with a double drive-thru like the one proposed and it also indicated roughly double the number of cars entering the CVS compared to the Arlington study. Chris Emelius replied they counted all the traffic generated by the store and added that to the traffic that was already on the road, they did not assume some of the traffic would already be on the road. Jeff Maxtutis said that he would like to see empirical data CVS has about its traffic generation. Mary Winstanley O'Connor added that the impact study does not account for the employee parking that is needed and does not acknowledge the retention of the house which would be addressed later in the hearing.

Sam Offei Addo continued through his review citing disagreement with the distribution of the traffic generated by the store and a difference of opinion about how the pedestrian phase in the signalized intersections was included in the modeling of those intersections. Chris Emelius said he was unable to find plans for the traffic signalization and Sam Offei Addo indicated that they must open the signal controller boxes and determine the actual timing and phasing.

Sam Offei Addo said they needed to elaborate on the site distance analysis they did. Chris Emelius indicated they would do that. Bruce Fitzsimmons asked if the analysis took into account the actual speed people were traveling. Chris Emelius indicated that the analysis was based on the speed limit of 30 mph. Bruce Fitzsimmons responded that since all drivers don't obey the speed limit he thought they should use 40 mph.

Sam Offei Addo said that the number of traffic accidents reported was too low. Jeff Maxtutis indicated that the number of accidents for the Jason and Mill Streets intersection was actually three times what was shown in the impact study and that the intersection was considered the third worst in all of Arlington. Chris Emelius responded that the proposed store wouldn't be adding that much more traffic. Jeff Maxtutis responded that they would be adding traffic and he thought it needed mitigation.

Sam Offei Addo asked a question about the site plan driveways and indicated that his analysis was based on the old site plan, he was not given a revised plan. It was indicated that new site plan alternatives would be presented later in the hearing.

Andrew West then asked Jeff Maxtutis if the TAC had further comments. Jeff responded that most comments in their memo to the Board had been covered. He emphasized that the committee felt strongly that the Jason and Mill Streets intersection needed mitigation and that there were problems with the level of service at the intersection. He indicated that if the impact projection were extended to five years the level of service would get worse. He indicated that there were problems with the plan in terms of operation and safety. He could not see any need for the circulation lane in front of the store, he said the number of parking spaces was excessive, they needed to add bicycle parking, and the committee did not favor a drive-thru but if there were to be a drive-thru it should accommodate bicycles as well as cars.

Andrew West asked to recount the tasks that the consultant would do to improve the traffic impact study. They would,

1. address how to make the pedestrian movement more safe, they would count the pedestrian traffic at high school dismissal time and would include pedestrian crossing of Mass Ave especially from the bus stop across the street from the site.
2. do a five year projection of future traffic impacts

Roly Chaput interjected that he thought they should anticipate a major impact from new development at the Brigham's site. Chris Emelius repeated that the Brigham's developer would come before the Board at that time. Jim Doherty added that he thought both consultant said there was a background increase included in the projection. Sam Offei Addo indicated that something like the development of the Brigham's site was more than background and said that they could put in the worst case scenario (retail) and see what the impact is. Chris Loret asked if they would do the five year projection and Chris Emelius replied that they would.

Continuing on the list of tasks, they would,

3. get comparable counts of similar CVS stores at the PM peak hour
4. include the pedestrian phase in the modeling of the signalized intersections
5. get the actual signal phasing from the controller boxes
6. BSC should review new site plan

7. elaborate on sight distance.
8. look at real on-the-ground conditions at existing similarly sited drug stores (CVS or Walgreens)- Belmont/Trapele Road, Andover, Davis Square
9. indicate if the proposal will remove any parking from Mass. Ave.
10. add bicycle parking
11. explain the need for excess parking

Mary Winstanley O'Connor then indicated that they wished to show the Board new alternative site plans and added that when they showed Kevin O'Brien the site plans before they applied for the permit, he replied that the plan was very nice. Kevin O'Brien interjected that that was not his reaction. She said they have removed the ATM from the plan and showed two new plans, one with the Atwood House on the site and one without.

Andrew West said that the Board had talked about the problems with the site plan and the new plans do not address the problems. Mary Winstanley O'Connor replied that the architect looked at nearby buildings and concluded many were set back from the street as CVS proposed to be. Andrew West asked what prevents them from use the "urban model" such as in Andover. Paul Beck, the developer, replied that it was the low number of pedestrians. Chris Loretty asked why the first plan showed the building nearer the street, and the new plan moved the building back. Paul Beck asked to look at the first plan and responded that he had not fully vetted that plan with CVS who said there is not enough parking near the entrance and he should not have submitted it. He apologized.

Chris Loretty asked how the drive-thru fits in the Zoning Bylaw. Mary Winstanley O'Connor responded that the Building Inspector had decided it was an accessory use. She said she would provide a memo on the subject of use.

Bruce Fitzsimmons said that the new site plans means the traffic impact study must be revised to address egress and possible ingress for the westerly drive. He added that he was concerned about the large amount of parking and said the parking lot at the Walgreen's near the center is underutilized. Matt Wozniak, from the engineering company replied that they needed that number of parking spaces because they were sharing with the house on the site and the high school students might use some of the spaces. Roly Chaput asked what happened to the rain garden on the site. Matt Wozniak replied that it hadn't been designed on the new alternatives yet. Roly Chaput asked how much green space there was within the parking lot. Matt Wozniak reported that there was 3% green space within the parking lot and Roly Chaput replied that 8% was required. Matt Wozniak said that snow storage would be provided in parking spaces on the site or if there was not adequate parking, snow would be removed from the site.

Andrew West asked if the applicant looked at the sketches he offered them at the last meeting. Paul Beck replied that they did look at them but they were considered too inconvenient for the customer because there was not parking near the front door. Chris Loretty asked if they considered Andover to be more urban than Arlington. Paul Beck replied that parts of each town were urban and others were not.

Carol Simmons offered that parents with children in car seats would like to have a drive-thru pharmacy. Ken Simmons noted that the size of the building doesn't change in the alternatives being discussed so why is the Board concerned about the number of parking spaces. Andrew West replied that the site can accommodate more use, it is over-parked. The Board is trying to make the side walks more friendly, the plan does not relate to Arlington, this is a pedestrian site like Davis Square. Mary Winstanley O'Connor responded that if they added more use at the site, they would be replicating the parking problem at the Trader Joe / Walgreen's site in Arlington Heights. Chris Loretty offered that the Board did give that development relief from the required number of parking spaces. Jim Doherty made several observations about development in Arlington and encouraged the Board not to push more development on the site. He said the proposal is good and everybody is up for it. Carol Kowalski said she is optimistic that CVS can do a good design, but we're not there yet. She said shared parking is a good idea, the conflict with high school pedestrians is worse in the new alternatives. She suggested that the Board should ask Town Counsel if drive-thru is permitted under use 8.17 and reiterated that reliance on the automobile is not a good thing for the town.

John Worden said he was pleased to see that the house may be retained. He didn't like the parking in front of the store and said he wanted to know what use would be made of the house. Mary Winstanley O'Connor replied that not moving the house was something that the Noyes family is open to and that they had talked to David Levy of the Housing Corporation of Arlington and could ask David Levy. David Levy then spoke up saying that he had talked to the Noyes family, he had been interested in the house for a long time and now had to work out costs and see if lending institutions would accept a land lease. If the house stays, he will pursue using it for affordable housing. Chris Loretty asked if he would want to expand the house. David Levy replied that he didn't know at this point. Chris Loretty asked how many units and David Levy replied that he was thinking about six to eight small units.

Roly Chaput said that he recently went to Trader Joe / Walgreen site when it seemed there were no parking spaces and he parked on the street and it was no problem. He thought it was a positive move to keep the house on the site. Dr. Michael Foley mentioned that he was fond of the house because he practiced medicine in the building for ten years. He said however that if it were to be moved and an additional use put on the site that all medical service providers looked at the Symmes site and did not want to locate there, but that this site was good for medical use and he hoped they would consider a creative and imaginative way to develop such a use. Jim Doherty said he had a problem with people who didn't own the site wanting to get the developer to add things. He added that one couldn't reduce the parking requirement enough to make it work. In the current financial crises, such an idea was a good but far fetched proposal. Mary Winstanley O'Connor said that the Noyes family was not interested in adding another use. Piper Noyes, a member of the Noyes family, spoke up to affirm Ms. O'Connor's statement.

Bruce Fitzsimmons asked if they still planned the pylon sign shown on their last proposal. Mary Winstanley O'Connor and Paul Beck both said no. Bruce Fitzsimmons then asked if they had done any plans showing the building on the street. Paul Beck said no. Chris Loretty reminded him that they had shown the Board a plan with no parking in front of the store. Andrew West asked if they would bring back to the Board a plan with the building on the street. Paul Beck said he would revisit the idea, but he will come back with such a plan only if CVS would accept it. Andrew West then said he wanted the plan to show the house on the site. Paul Beck said that means we've made some progress. Roly Chaput said he wanted to see the west driveway made exit only. Andrew West then asked about the stormwater measures on the new plans. Paul Beck replied that the systems had not been designed yet. Andrew West then asked that if CVS doesn't like the plan with the building on the street, they need to tell us the ins and outs of their urban model. He added that he didn't want to look at the new building elevations until they had agreed on a site plan. Paul Beck said that he had a CVS representative at the hearing tonight, but that she could not attend for family reasons.

Paul Beck asked if he could meet with Kevin O'Brien before the next hearing to discuss the progress. Andrew West replied that they could and he would try to make a Board member available also. Carol Kowalski encouraged Paul Beck to explain to CVS that the urban model would work because it would be in Arlington.

At 9:55, the Board decided to continue the hearing to 7 PM on January 26, 2009 in the same hearing room. Roly Chaput made the motion and Bruce Fitzsimmons seconded it. The Board voted 5 to 0 to approve.

Kevin O'Brien then explained the materials that had been distributed to the Board regarding the work done on the Symmes project medical office building site. The Board discussed the work that had been done and decided that it wanted no more work done on the site without further Board approval. Chris Loretty moved that notwithstanding the vote on August 27, 2007, the Board instruct Symmes Redevelopment Associates that no further work be done on the medical office building site that could be credited against the \$500,000 penalty, as specified in Section 8 of the third amended and restated land disposition agreement, without further Board approval in advance of any such work. Roly Chaput seconded the motion and the Board voted 5 to 0 to approve.

Chris Loretty then moved that in accordance with section 8 of the third amended and restated land disposition agreement, the Board acknowledges that Symmes Redevelopment Associates has expended \$223,259 on the medical office building site and that the balance of the \$500,000 penalty established in Section 8(c)(ii) shall therefore be collateralized by an irrevocable letter of credit in an amount of at least \$276,741 on or before December 29, 2008. Roly Chaput seconded the motion and the Board voted 5 to 0 to approve.

The Board adjourned its meeting at 10:15.

Respectfully submitted,
Kevin J. O'Brien

